

By: Leibowitz

H.B. No. 1166

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements for doctors providing professional services under the workers' compensation system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 408.0043, Labor Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A person described by Subsection (a) who reviews a specific workers' compensation case must:

(1) hold a professional certification in a health care specialty appropriate to the type of health care that the injured employee is receiving; and

(2) if appropriate to the specific case, hold the same professional certification as the employee's treating doctor.

(c) A person described by Subsection (a) must:

(1) be licensed to practice in this state;

(2) maintain the person's primary practice location in this state; and

(3) actively engage in the treatment of patients in this state in person.

SECTION 2. Section 408.0044(b), Labor Code, is amended to read as follows:

(b) A person described by Subsection (a) who reviews a dental service provided in conjunction with a specific workers'

1 compensation case must:

2 (1) be licensed to practice dentistry in this state;

3 (2) maintain the person's primary practice location in
4 this state; and

5 (3) actively engage in the treatment of patients in
6 this state in person.

7 SECTION 3. Section 408.0045(b), Labor Code, is amended to
8 read as follows:

9 (b) A person described by Subsection (a) who reviews a
10 chiropractic service provided in conjunction with a specific
11 workers' compensation case must:

12 (1) be licensed to engage in the practice of
13 chiropractic in this state;

14 (2) maintain the person's primary practice location in
15 this state; and

16 (3) actively engage in the treatment of patients in
17 this state in person.

18 SECTION 4. Section 413.031(e-2), Labor Code, is amended to
19 read as follows:

20 (e-2) Notwithstanding Section 4202.002, Insurance Code, an
21 independent review organization that uses doctors to perform
22 reviews of health care services provided under this title may only
23 use doctors who are licensed to practice in this state, who are
24 actively engaged in the treatment of patients in this state in
25 person, and whose primary practice location is in this state.

26 SECTION 5. The change in law made by this Act applies only
27 to professional services provided in conjunction with a claim for

1 workers' compensation benefits based on a compensable injury that
2 occurs on or after the effective date of this Act. Professional
3 services provided in conjunction with a claim based on a
4 compensable injury that occurs before that date is governed by the
5 law in effect on the date the compensable injury occurred, and the
6 former law is continued in effect for that purpose.

7 SECTION 6. This Act takes effect September 1, 2009.